## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARLENE DAVIS-HEEP,	: CIVIL ACTION
Plaintiff,	
v.	: No. 09-5619
CITY OF PHILADELPHIA; SHELLY R. SMITH; and KATHLEEN TIA BURKE,  Defendants.	: : : : : : : : : : : : :
<u>ORDER</u>	
<b>AND NOW</b> , this day of July, 2010, upon consideration of Defendant Kathleen	
Tia Burke's Motion to Dismiss (Doc. No. 11), and the Response and Reply thereto, it is hereby	
ORDERED that said Motion is DENIED.	

BY THE COURT:

ROBERT F. KELLY SENIOR JUDGE

/s/ Robert F. Kelly